



# Governing Body

341th Session, Geneva, March 2021

Institutional Section

INS

**Date:** 18 March 2021

**Original:** English

Eleventh item on the agenda

## Complaint concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

1. At its 337th Session (October–November 2019) the Governing Body had before it a report of the Officers regarding a complaint concerning non-observance by the Government of Bangladesh of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), submitted under article 26 of the ILO Constitution by several Workers' delegates to the 108th Session (June 2019) of the International Labour Conference. <sup>1</sup>
2. Having considered that the complaint was receivable insofar as it met the conditions established in article 26 of the ILO Constitution, the Governing Body requested the Director-General to forward the complaint to the Government of Bangladesh, inviting it to communicate its observations on the complaint by 30 January 2020, and to include this item on the agenda of the 338th Session of the Governing Body (March 2020).

<sup>1</sup> GB.337/INS/13/1.

3. The 338th Session, originally scheduled for 12–26 March 2020, did not take place in view of the restrictions to meetings and travel in place since early March as a result of the COVID-19 pandemic. Consideration of this item on the agenda was deferred to a future session of the Governing Body. With the subsequent reinforcement of travel and meeting restrictions in most countries and having due regard to the need to protect the health and well-being of everyone, the Governing Body decided, through a vote by correspondence to cancel the 338th *bis* and 339th Sessions of the Governing Body scheduled for 25 May and 6 June 2020, respectively.
4. At its 340th Session (October–November 2020), in view of the information communicated by the Government of Bangladesh on the situation of freedom of association in the country and taking due note both of its commitment to continue to further improve the overall situation and to address the outstanding issues before the supervisory bodies, the Governing Body requested the Government to develop, with the support of the Office and of the secretariat of the Workers' and Employers' groups, and in full consultation with the social partners concerned, a time-bound road map of actions with tangible outcomes to address all the outstanding issues mentioned in the complaint submitted under article 26 to the 108th Session of the International Labour Conference (2019). It also requested the Government to report on progress made in that regard to the next session of the Governing Body and deferred the decision on further action in respect of the complaint until its 341st Session (March 2021).
5. The Government provided initial information on the situation of freedom of association in the country in a communication dated 23 October 2019 and submitted its additional observations in a communication dated 30 January 2020. By a communication dated 15 September 2020,<sup>2</sup> the Government reiterated and updated its previous observations. In a communication dated 12 February 2021, a copy of which is appended to the present document (see appendix), the Government indicated that it had already started consultations with the concerned Ministries and with national employers' and workers' organizations to develop a road map and that an Inter-Ministerial Committee was formed to analyze the issues raised in the complaint and to ensure effective coordination in developing and implementing the road map. It stated that elements of a practical road map should include: review of the labour legislation and related laws and rules, freedom of association and collective bargaining rights, trade union registration, dispute resolution and labour courts and labour inspection and enforcement. The Government informed that additional consultations with the International Organisation of Employers, the International Trade Union Confederation, the Bangladesh Employers' Federation and local trade union organizations would be held in the second half of February 2021. The Government emphasized that the engagement of the Office would be helpful in developing the road map, which should be placed before the Tripartite Consultative Council in the first week of March 2021 and submitted subsequently to the Governing Body.
6. At its November–December 2020 meeting, the CEACR adopted comments relating to the application of Conventions Nos 87, 98 and 81,<sup>3</sup> including as to a large number of the central issues raised in the complaint, such as civil liberties, broad legislative restrictions on the exercise of the right to freedom of association in the Bangladesh Labour Act, 2006, as amended, the Bangladesh Labour Rules, 2015 and the Bangladesh EPZ Labour

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<sup>2</sup> GB.340/INS/14(Rev.1), Appendix.

<sup>3</sup> Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 109th Session, 2021, 77–90 and 563–565.

Act, 2019, insufficient protection in law and in practice against acts of anti-union discrimination and interference, restrictions on collective bargaining and limitations on independent inspection in export processing zones and special economic zones. While observing progress with respect to several measures taken or envisaged to ensure compliance of national law and practice with the above Conventions, the CEACR also noted that many of the outstanding issues remain to be addressed and encouraged the Government to continue its efforts in this regard.

7. On 15 March 2021, the Government of Bangladesh transmitted the draft outline of the road map of actions being developed as per the Governing Body's decision in October–November 2020 (see Appendix II).
8. In accordance with article 26 of the Constitution, it is for the Governing Body to take the necessary decisions concerning future action on this complaint.

## ▶ Draft decision

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9. **Noting the progress made by the Government with regard to the development of a time-bound road map of actions with tangible outcomes to address all the outstanding issues mentioned in the complaint, with the support of the Office and of the secretariats of the Workers' and Employers' groups, and in full consultation with the social partners concerned, the Governing Body, on the recommendation of its Officers:**
  - (a) requested the Government to submit the final road map for the information of the Governing Body in June 2021;
  - (b) requested the Government to report to the Governing Body on progress made with the timely implementation of the road map at its 343rd Session (November 2021); and
  - (c) deferred the decision on further action in respect of the complaint to its 343rd Session (November 2021).



▶ **Appendix I****Observations of the Government of Bangladesh****K M ABDUS SALAM***Secretary*

*Ministry of Labour and Employment  
Government of the People's Republic of Bangladesh  
Bangladesh Secretariat, Dhaka-1000  
Tel.: +88-02-9514366  
e-mail: secretary@mole.gov.bd*

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12 February 2021

Ms. Corinne Vargha  
Director  
International Labour Standards Department  
International Labour Organisation  
Geneva, Switzerland  
E-mail: libsynd@ilo.org

Subject: Development of a Roadmap in Connection to the Complaint Submitted Against Bangladesh Under Article 26 to the 108<sup>th</sup> Session of the International Labour Conference (2019).

**My Dear Director,**

Thank you very much for making time to hold the meeting on 8 February, 2021 regarding follow up of the decisions taken by the ILO Governing Body at its 340<sup>th</sup> Session in relation to the article 26 complaint concerning the non-observance of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Protection of the Right to Organize and the Collective Bargaining Convention, 1949 (No. 98). We appreciate your continuous engagement and guidance.

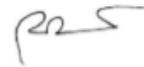
Following the decision of the Governing Body of the ILO, the Government of Bangladesh has already started consultations with the concerned Ministries/Departments along with national employers' and workers' organizations to develop a Roadmap on the possible areas focusing on the tenable issues of the complaint. In the meantime, considering the cross-cutting nature of the issues contained in the complaint, the Ministry of Labour and Employment has formed an Inter-Ministerial Committee to analyze the issues of the complaint and to ensure effective co-ordination to develop and implement the activities of the Roadmap. In addition, relevant high officers of the concerned ministries are in close coordination and contact to develop a suitable roadmap. A preliminary discussion with the tripartite partners on the legal issues were held in January 2021. The ILO Country Office for Bangladesh has been consulted at all stages for their opinion.

For a suitable and practical roadmap, the elements for trilateral consultations would generally include review of Labour Law (and related other laws and rules), Freedom of Association and Collective Bargaining rights and Trade Union Registration, Dispute Resolution/Labour Courts, and Labour Inspection and enforcement.

Consultation meetings with the 'International Organization of Employers and the Bangladesh Employers' Federation and International Trade Union Confederation and the local trade Union organizations will be organized during 3<sup>rd</sup> and 4<sup>th</sup> weeks of February. We hope to place the Roadmap before the Tripartite Consultative Council in the 1<sup>st</sup> week of March for its consideration which will subsequently be presented to the Governing Body of ILO.

We believe that engagement of your Office will certainly be helpful in developing the roadmap.

With best regards



(K M Abdus Salam)

E-mail: [secretary@mole.gov.bd](mailto:secretary@mole.gov.bd)

## ▶ Appendix II

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### Outline of the road map of actions being developed “to address all the outstanding issues mentioned in the complaint” concerning alleged non-observance by Bangladesh of Conventions Nos 81, 87 and 98

#### The road map’s objectives

1. The road map on the Labour Sector in Bangladesh (2021–2026) lies within the Government of Bangladesh’s efforts to pursue its implementation of numerous reforms related to laws and regulations on employment, as well as to provide additional guarantees to uphold labour rights and workplace safety in the country. While substantive progress has been made in the area of labour rights, the Government recognizes that there are still some outstanding issues that can be implemented in a time-bound manner. The ILO Committee of Experts has made specific comments for further improvement, particularly in relation to implementation of Conventions Nos 87, 98 and 81. Furthermore, the ILO Governing body at its 340th Session (October–November 2020), in connection with the complaint concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), requested the Government of Bangladesh to develop a time-bound road map of actions.
2. The road map contains specific actions on legal and administrative reforms as well as enforcement of laws and promotional activities. It is being developed in full consultation with the national social partners concerned as well as with the Office and the secretariat of the Workers’ and Employers’ groups. Consultations are still ongoing on the details and timelines of the actions planned to deliver on the road map, the outline of which is set out here below.

#### ▶ Specific actions

##### Area for action

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| 1. Labour law reform | <ul style="list-style-type: none"> <li>• Bangladesh Labour Rules (BLR), 2015 are amended in light of the comments of the ILO supervisory bodies.</li> <li>• Bangladesh Labour Act (BLA), 2006 (as amended in 2018) is amended in light of the comments of the ILO supervisory bodies.</li> <li>• Bangladesh Labour Rules, 2015 are amended, after further amendment of BLA.</li> <li>• The EPZ Labour Rules are adopted.</li> <li>• Bangladesh EPZ Labour Act, 2019 is amended in light of the comments of the ILO supervisory bodies.</li> </ul> |
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### Area for action

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| 2. Trade union registration  | <ul style="list-style-type: none"> <li>• The trade union registration is further simplified through BLA amendments, upgrading of the online trade union registration system and the setting-up of a pre-application service desk/help desk by Department of Labour in every registrar of trade unions' office.</li> <li>• Workers, employers and relevant officials are fully trained/sensitized on the trade union registration process.</li> <li>• An online database on registration is fully operational and regularly updated.</li> </ul>   |
| 3. Labour inspection and enforcement   | <ul style="list-style-type: none"> <li>• The Labour Inspectorate is strengthened through the recruitment and training of new labour inspectors, the creation of additional posts as well as through the establishment of inspection modalities and of monitoring systems aimed at improving inspection performance, including in EPZs.</li> <li>• An efficient system is set up to follow-up on workers' complaints received through a helpline.</li> <li>• The backlog of cases at labour courts, including in the Dhaka Metropolitan Area, is addressed.</li> </ul>  |
| 4. Addressing acts of anti-union discrimination/unfair labour practices and violence against workers | <ul style="list-style-type: none"> <li>• Effective measures are adopted to prevent anti-union discrimination, unfair labour practices and violence against workers.</li> <li>• The performance of investigation of alleged acts of anti-union discrimination, unfair labour practices and violence against workers is improved to ensure fair, independent and speedy handling of complaints/cases.</li> <li>• Timely and dissuasive sanctions are adopted and enforced as per legal provisions.</li> <li>• An independent conciliation and arbitration system as a means of alternative dispute resolution (ADR) is established.</li> <li>• Social dialogue and collective bargaining, including on wage policy, are promoted through strengthened mechanisms and processes at national and sectoral levels.</li> </ul> |